

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5043 OF 2007

Gulab Govind Bhosale Petitioner

Vs.

The Divisional Traffic Officer Respondents
& Anr.

Mr. Dilip Bodake for Petitioner.

Mr. G.S. Hegade for Respondent Nos. 1 and 2.

CORAM : SMT. NISHITA MHATRE, J.

DATE : 10TH OCTOBER, 2007

P.C.

1) The Petitioner challenges the order of the Industrial Court which has allowed the Revision Application filed by the Respondent-Corporation. The Industrial Court has quashed and set aside the order of the Labour Court dated 30th June, 2004 passed in Complaint (ULP) No. 1 of 1996. The Labour Court while concluding that the domestic enquiry held against the petitioner was fair and proper has held that the findings of the Enquiry Officer were not perverse.

2) However, while dealing with the quantum of punishment, the Labour Court has held that the Corporation had committed an unfair labour practice under Items 1(b) and (g) of Schedule IV of the M.R.T.U. and P.U.L.P. Act, 1971. The Labour Court directed the Respondent-Corporation to

reinstate the petitioner with continuity of service but without backwages. The Industrial Court has reversed the findings of the Labour Court regarding the punishment.

3) There is evidence on record that this was the second accident committed by the Petitioner. The present accident occurred because the Petitioner tried to overtake another vehicle and while doing so, crossed the median line of the road and dashed against the oncoming car. Two occupants of the car died while three of them were injured.

4) In such circumstances, in my view, the Industrial Court has correctly reversed the findings of the Labour Court on the question of punishment. There is no need to interfere with the order of the Industrial Court.

5) Petition is rejected.

(SMT. NISHITA MHATRE, J.)